

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
vs.	:	
	:	
ALEXANDER ATCHILDIEV	:	NO. 06-394-05

MEMORANDUM

ROBERT F. KELLY, Sr. J.

NOVEMBER 28, 2007

The United States has filed a Motion (Doc. No. 60) to correct the judgment in the above-captioned case which was imposed on November 19, 2007. The sentence, as announced in open court, imposed as a condition of probation that the Defendant not possess a firearm, ammunition, destructive device, or any other dangerous weapon during his two year probationary period. However, the Judgment and Commitment Order failed to reflect this requirement.

Defendant has filed a response in opposition to this Motion containing a Cross Motion to correct the record by removing this condition as stated in the Court's sentence. (Doc. 61).

After discussing the issue with counsel in a conference call it was decided by the Court that Plaintiff's Motion shall be denied and Defendant's Cross Motion shall be granted.

In addition the requirement that Defendant shall cooperate in the collection of DNA as directed by the Probation Officer shall be deleted in an Amended Judgment and Commitment Order.

We therefore enter the following Order.

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	:	
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	:	
ALEXANDER ATCHILDIEV	:	NO. 06-394-05

ORDER

AND NOW, this 28th day of November, 2007, it is hereby **ORDERED** that an Amended Judgment and Commitment Order shall be issued reflecting that the Defendant is not prohibited from possessing a firearm, ammunition, destructive device, or any dangerous weapon, and that the Defendant is not required to cooperate in the collection of DNA.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE